

REMARKS

I. THE DRAWINGS

The Office Action requires correction of Figure 2. In response, Applicants provide a Replacement Sheet of Figure 2 to add "Prior Art" and "Replacement Sheet" in accordance with the Office Action's request.

II. THE SPECIFICATION

The Office Action objections to and requires the following corrections of the specification:

Pages 5, 6 and 8, the Office Action require proper reference to Figs. 1 and 2. In response, Applicants amend the specification accordingly.

Page, 6, line 12, the Office Action indicates that there is a blank. Applicants draw the Office's attention to the Amendment submitted May 18, 2006, wherein this information was provided.

Reconsideration and withdrawal of the objection to the specification are respectfully requested.

III. THE OBJECTIONS TO THE CLAIMS

The Office Action objects to the claims for use of TPO and PK. In response, the claims have been amended accordingly. Reconsideration and withdrawal of the objection to the claims are respectfully requested.

IV. THE REJECTION UNDER 35 U.S.C. § 112

The Office Action rejects claims 2-30 under 35 U.S.C. § 112, second paragraph. In particular, the Office Action asserts that the claims are indefinite (1) for using and/or; (2) because "it cannot be determined if the harvested stem cells are transplanted into a different subject ... or if they are administered to the same subject from which they were taken"; and (3) there is insufficient antecedent basis for "one or more of the bone marrow stem cells". In response, Applicants amend the claims to obviate any basis for the rejection of claims 2-30 under 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection of claims 2-30 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

V. THE REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects claims 2-6 and 9-12 under 35 U.S.C. § 102 over U.S. Patent No. 6,013,067 ("the '067 patent"). Applicants respectfully traverse the rejection.

As set forth in the Office Action, the '067 patent discloses the use of TPO, an allelic and engineered variant of TPO, or a truncated form of TPO.

The claimed invention, in contrast, involves the use of a “thrombopoietin (TPO) mimetic compound”. One skilled in the art would readily appreciate that the claimed TPO “mimetic” compound is not TPO, is not an allelic and engineered variant of TPO and is not a truncated form of TPO. Reconsideration and withdrawal of the rejection of claims 2-6 and 9-12 under 35 U.S.C. § 102 over the ‘067 patent are respectfully requested.

VI. THE REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects claims 7-8 and 13-30 under 35 U.S.C. § 103 as being unpatentable over the ‘067 patent and further in view of U.S. Patent No. 5,869,451 (“the ‘451 patent”). Applicants respectfully traverse the rejection.

The ‘067 patent discloses a method for increasing hematopoietic cells that includes administering thrombopoietin to a donor sufficient to stimulate proliferation of cells; collecting cells from the donor; and administering the collected cells to a recipient. See Abstract. The ‘067 patent discloses that thrombopoietin includes allelic variants and engineered variants. See col. 3, lines 4-23. The allelic variants and engineered variants contemplated include conservative changes in the TPO amino acid sequence. *Id.* The ‘067 patent does not disclose or suggest the use of TPO mimetics such as that presently claimed.

The ‘451 patent discloses the following:

[R]ecent studies have provided a basis for the projection of efficacy of TPO therapy in the treatment of thrombocytopenia, and particularly thrombocytopenia resulting from chemotherapy, radiation therapy, or bone marrow transplantation as treatment for cancer or lymphoma . . .

Neither the ‘067 patent nor the ‘451 patent disclose or suggest the use of the particularly claimed compound in a method of providing hematopoietic stem cells to a subject such as that claimed.

Reconsideration and withdrawal of the rejection of claims 7-8 and 13-30 under 35 U.S.C. § 103 are respectfully requested.

VII. CONCLUSION

Early consideration and prompt allowance of the claims are respectfully requested. Should the Office require anything further, it is invited to contact Applicants' representative at the telephone number below. Should additional fees be necessary in connection with the filing of this paper, the Commissioner is hereby authorized to charge our Deposit Account No. 10-0750/PRD-2110-USANP/LAD for any such fees.

Respectfully submitted,

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Attachments:
- Replacement Sheet (Figure 2)